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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,879	08/18/2003	David Morrow	WLI 1063 PUS	3318
7590	09/16/2005			
John S. Artz Artz & Artz, PC Suite 250 28333 Telegraph Road Southfield, MI 48034			EXAMINER CHAMBERS, MICHAEL S	
			ART UNIT 3711	PAPER NUMBER
DATE MAILED: 09/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,879

Applicant(s)

MORROW ET AL.

Examiner

Mike Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

In line 11: it appears "metal tube" should be – tube –.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, and 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilcox (1963057). Wilcox discloses a

one-piece hollow tube having an interior surface and an exterior surface, said hollow tube having a first end for communicating with a throat portion of a lacrosse head and a second end opposing said first end, said exterior surface having a generally uniform dimension along its length and comprising a plurality of sides; wherein said hollow tube has a first thickness defined by a distance between said interior surface and said exterior surface at a first location along said hollow tube; said first location comprising at least a portion of at least two-adjacent sides of said plurality of sides. and a second thickness defined by a distance between said interior surface and said exterior surface at a second location along said hollow metal tube; wherein said first thickness has a greater magnitude than said second thickness (fig 8).

As to claim 2 : Wilcox discloses a metal tube (2:64-65, fig 1).

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As to claim 3 : Wilcox discloses a top and bottom portion (fig 6).

As to claim 4 : Wilcox discloses a uniform first thickness (fig 6, item 5).

As to claim 5 : Wilcox discloses a second uniform thickness (fig 6, wall thickness item 25).

As to claim 6 : Wilcox discloses a tube that tapers from top to bottom (fig 1). In as much structure set forth by the applicant in the claims, the device has a taper from top to bottom.

As to claim 7 : Wilcox discloses an extruded metal tube (fig 1).

As to claims 19 and 23 : See claim 1 rejection.

As to claims 20 and 21 : Wilcox discloses a greater first thickness (fig 6, item 5).

As to claim 22 : Wilcox discloses a top and bottom half (fig 6).

As to claim 24 : Wilcox discloses a metal tube (2:64-65, fig 1).

As to claim 25 : Wilcox discloses a greater magnitude first thickness (fig 6, item 5).

As to claim 26 : Wilcox discloses a top and bottom half (fig 6).

Also,

Claims 1-8, and 19-27 are rejected under 35 U.S.C. 102(b) as being anticipated by McNeil (3972529). McNeil discloses a

one-piece hollow tube having an interior surface and an exterior surface ,said hollow tube having a first end for communicating with a throat portion of a lacrosse head and a second end opposing said first end, said exterior surface having a generally uniform dimension along its length and comprising a plurality of sides; wherein said hollow tube has a first thickness defined by a distance between said interior surface and

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said exterior surface at a first location along said hollow tube; said first location comprising at least a portion of at least two-adjacent sides of said plurality of sides. and a second thickness defined by a distance between said interior surface and said exterior surface at a second location along said hollow metal tube; wherein said first thickness has a greater magnitude than said second thickness (fig 1,4).

As to claim 2 : McNeil discloses a metal tube (fig 2).

As to claim 3 : McNeil discloses a top and bottom portion (fig 1,4).

As to claim 4 : McNeil discloses a uniform first thickness (fig 1,4).

As to claim 5 : McNeil discloses a second uniform thickness (fig 3, wall thickness item 14).

As to claim 6 : McNeil discloses a tube that tapers from top to bottom (fig 1). In as much structure set forth by the applicant in the claims, the device has a taper from top to bottom.

As to claim 7 : McNeil discloses an extruded metal tube (fig 2).

As to claim 8 : McNeil discloses an aluminum tube (fig 2).

As to claims 19 and 23 : See claim 1 rejection.

As to claims 20 and 21 : McNeil discloses a greater first thickness (fig 4 cross-section at wedge).

As to claim 22 : McNeil discloses a top and bottom half (fig 6).

As to claim 24 : McNeil discloses a metal tube (fig 2).

As to claim 25 : McNeil discloses a greater magnitude first thickness (fig 2,4).

As to claim 26 : McNeil discloses a top and bottom half (fig 4).

As to claim 27 : McNeil discloses a first and second thickness that provides tactile feedback (fig 4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3972529*1963057
September 13, 2005

Michael Chambers
Examiner
Art Unit 3711


STEPHEN BLAU
PRIMARY EXAMINER